

CITY OF MINNEAPOLIS  
LICENSES AND CONSUMER SERVICES  
350 SOUTH 5<sup>TH</sup> STREET, ROOM 1-C, CITY HALL  
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT,  
CONCLUSIONS, AND  
RECOMMENDATIONS**

In the Matter of License No. L196 17293 COUNTRY BAR AND GRILL

Held by:

**WIN-VEE, INC.**

**3006 LYNDAL AVE. S.**

**MINNEAPOLIS, MN 55408**

This matter came before a License Settlement Conference hearing on Tuesday, November 2, 2009. Appearing was the licensee and owners Michael and Kathryn Wagner. Appearing for Licenses and Consumer Services were Deputy Director Ricardo Cervantes and License Inspectors George Pridmore and Julie Casey. Sergeant Pete Ritschel of the Minneapolis Police Department also attended. Based on the evidence presented at the hearing, the department makes the following findings of fact:

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**FINDINGS OF FACT**

Winn-Vee, Inc. has held a beverage alcohol license in Minneapolis since 1989 and have operated as Mikes All Sports Restaurant and Bar as well as Shorty and Wags Country Bar and Grill. It is now Country Bar and Grill, and its present owners acquired the shares in September 2008.

A. Violation of Minneapolis Code of Ordinances 364.80(a): Hours, days regulated.  
*(a) No on-sale of liquor may be made: (1) Between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday; (2) After 2:00 a.m. on Sundays, except with a valid Sunday sales license as provided in subsection (c).*

1. On October 3, 2009, Inspector Casey and Sgt. Ritschel entered Country Bar and Grill at 2:45 a.m. and found the premises serving and selling liquor (attachment A). Citation 09-0728967 issued. (paid)

B. Violation of Minneapolis Code of Ordinances 364.85: Consumption in on-sale liquor or wine premises; hours regulated. *No person, including the licensee and his or her employees and agents, shall consume liquor or beer in any on-sale liquor or wine premises between 2:30 a.m. and 8:00 a.m.*

1. On October 3, 2009, Inspector Casey and Sgt. Ritschel entered Country Bar and Grill at 2:45 a.m. and found persons consuming alcoholic beverages on the premises. Citation 09-0728958 issued. (paid)

C. Violation of Minneapolis Code of Ordinances 360.60: Selling to, permitting presence of intoxicated persons. *No person shall sell or serve any beer or liquor to any intoxicated person, nor permit any intoxicated person to remain on the licensed premises.*

1. On October 3, 2009, Inspector Casey and Sgt. Ritschel entered Country Bar and Grill at 2:45 a.m. and found a patron overly intoxicated. Patron passed out and fell on Inspector Casey and required assistance to leave the premises. Citation 09-0728950 issued. (paid)

D. Violation of Minneapolis Code of Ordinances 364.100: "On sale" premises without special licenses to close certain hours. *Every room, place or premises where any liquor is permitted to be or is sold, including the cafe, restaurant or dining room operated in connection therewith, or as a part thereof, and in which such liquor is sold or served by the licensee thereof pursuant to an "on sale" license, shall be closed and kept closed to the public between the hours of 2:30 a.m. and 5:00 a.m., unless the licensee is the holder of a special late hours license provided for in sections 360.70, 360.75, and 360.80. During said hours, if the licensee is not the holder of a special late hours license, no person shall be allowed to be or remain upon or within such room, place or premises for any purpose whatever, except that the owner or licensee, his or her agents, servants or employees may remain therein for the purpose only of cleaning, preparation of meals, necessary repairs or other work therein and in connection therewith, or as guards.*

1. On August 22, 2009, Inspector Pridmore observed persons seated at bar stools and the bartender behind the bar at 3:10 a.m. Citation 09-0720385 issued. (paid)

E. Alleged violation of Minneapolis Code of Ordinances 259.250, Business License Management Responsibilities.

1. Licensing is in receipt of a letter dated September 22, 2009 from the Lyn-Lake Business Association (attachment B) which reports alleged property damage and disorderly conduct by patrons of the Country Bar and Grill. Advisory Notice 09-0726549 issued.

## CONCLUSIONS

1. Country Bar and Grill violated Minneapolis Ordinances 364.80(a), 364.85, 366.60, and 364.100.

## RECOMMENDATIONS

Based on evidence presented at the hearing, the Department makes the following recommendations:

1. Country Bar and Grill shall arrange for professionally presented alcohol server training by a program approved by Licensing. All owners, management and staff shall attend the training within 30 days of the signing of this document and shall provide proof of such attendance to the Licensing office.

2. The On-Sale Liquor with Sunday Sales license of Country Bar and Grill is suspended for a period of 15 days, and this suspension shall be stayed for a period of one (1) year from the date of signing of this document, upon condition there are no further violations of City of Minneapolis Ordinances or State of Minnesota Statutes.

3. Country Bar and Grill shall pay a sanction of \$3000, of which \$2000 shall be stayed for a period of 2 years from the date of signing of this document, upon condition there are no further violations of City of Minneapolis Ordinances or State of Minnesota Statutes. \$500 of the sanction shall be paid upon approval of these recommendations by the Minneapolis City Council, with \$500 additional due within 3 months of approval by the Minneapolis City Council.

4. Country Bar and Grill shall submit a written policy detailing their beverage alcohol service and security plans to the Licensing office within 30 days of the signing of this document.

5. Country Bar and Grill shall have a designated manager on the premises during all hours of operation.

6. All windows of the establishment shall not be obscured between 4 ft. and 7 ft. above the outside grade, as per Mpls. Ord. 530.120, and the interior of the premises shall remain clearly visible from the sidewalk. Window coverings may be closed briefly for security purposes between 8:00 a.m. and 10:00 a.m., as well as 2:00 a.m. and 3:00 a.m.

7. Country Bar and Grill shall keep the back door locked at all times so that it cannot be opened from the exterior of the premises.

8. The signing of these conditions does not preclude any other adverse license action for subsequent violations or for subsequently-discovered violations of any federal, state or local laws, ordinances or regulations.

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Country Bar and Grill understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility, and, as such, it is understood that there is a minimum standard that shall be met in order to hold such a license. Furthermore, it is understood that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. As such, it is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any agreed upon or stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO  
IN GOOD FAITH:

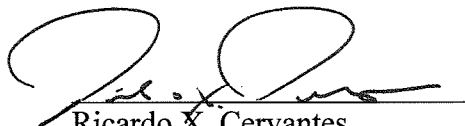
**Business**  
**Country Bar and Grill**

By: Michael Wagner

Its: Owner Mike Wagner

Dated: 12/3/09, 2009

**For the City of Minneapolis:**



Ricardo X. Cervantes  
Deputy Director of Licenses

Dated: 12/23, 2009